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Liaison Counsel for Direct Action Plaintiffs and Counsel for Plaintiffs ABC Appliance, Inc., CompuCom Systems, Inc., Electrograph Systems, Inc., and Electrograph Technologies Corp., Interbond Corporation of America, MARTA Cooperative of America, Inc., Office Depot, Inc., P.C. Richard & Son Long Island Corporation, Schultze Agency Services LLC on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC, Tech Data Corporation and Tech Data Product Management, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Master File No. 3:07-md-05944-SC

MDL No. 1917

This Document Relates To:

Tech Data Corp., et al. v. Hitachi, Ltd., et al., No.13-cv-00157;
Siegel v. Technicolor SA, et al., No.13-cv-05261;
Sears, Roebuck and Co., et al. v. Technicolor SA, No. 13-cv-05262;
Best Buy Co., Inc., et al. v. Technicolor SA, et al., No. 13-cv-05264;
Schultze Agency Services, LLC v. Technicolor SA, Ltd., et al., No. 13-cv-05668;
Costco Wholesale Corporation v. Technicolor SA, et al., No. 13-cv-05723;
Electrograph Systems, Inc., et al. v. Technicolor SA, et al., No. 13-cv-05724;

**DECLARATION OF PHILIP J. IOVIENO
IN SUPPORT OF DIRECT ACTION
PLAINTIFFS' ADMINISTRATIVE
MOTION TO SEAL THEIR
OPPOSITION TO MITSUBISHI'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT AS TO DIRECT ACTION
PURCHASERS' SHERMAN ACT
DAMAGES CLAIMS BASED ON CRT
PRODUCT PURCHASES FROM NEC
CORPORATION AND NEC-MITSUBISHI
ELECTRIC VISUAL SYSTEMS
CORPORATION**

1 *P.C. Richard & Son Long Island*
2 *Corporation, et al. v. Technicolor SA, et al.,*
No. 13-cv-05725;

3 *Office Depot, Inc. v. Technicolor SA, et al.,*
4 No. 13-cv-05726;

5 *Interbond Corp. of Am. v. Technicolor SA,*
6 *et al., No. 13-cv-05727*

1 I, **PHILIP J. IOVIENO**, declare as follows:

2 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, liaison counsel
3 for Direct Action Plaintiffs (“DAPs”), and I am licensed to practice law in the State of New York
4 and admitted to practice *pro hac vice* before this Court. Except for those matters stated on
5 information and belief, which I believe to be true, I have personal knowledge of the facts recited
6 in this declaration and, if called upon to do so, I would competently testify under oath thereto.

7 2. I submit this Declaration in support of DAPs’ motion to file portions of the
8 following documents under seal pursuant to Civil Local Rules 7-11 and 79-5(d):

- 9 • Plaintiffs’ Opposition to Mitsubishi’s Motion for Partial Summary Judgment as to
10 Direct Action Purchasers’ Sherman Act Claims Based On CRT Product Purchases
11 from NEC Corporation and NEC-Mitsubishi Electric Visual Systems Corporation
12 (“Opposition”)
- 13 • Exhibits 1-9 to the Declaration of Philip J. Iovieno in Support of the Opposition
14 (“Iovieno Declaration”)

15 3. Plaintiffs’ Opposition and Exhibits to the Iovieno Declaration in this case contain
16 excerpts from and/or statements derived from documents and testimony which have been
17 designated “confidential” or “highly confidential” pursuant to the Stipulated Protective Order
18 governing this litigation [Dkt. 306, June 18, 2008] (“Stipulated Protective Order”). The
19 confidential/highly confidential designations were made by certain defendants in this litigation.
20 To qualify as confidential or highly confidential under the Stipulated Protective Order,
21 information must contain trade secrets or other confidential research, development or
22 commercial information or private or competitively sensitive information. Stipulated Protective
23 Order at ¶ 1.

24 4. The Stipulated Protective Order requires that a party may not file any confidential
25 material in the public record. Stipulated Protective Order at ¶ 10. The Stipulated Protective
26 Order further provides that any party seeking to file any confidential material under seal must
27 comply with Civil Local Rule 79-5. Stipulated Protective Order at ¶¶ 1, 10.

28 5. Plaintiffs’ Opposition and Exhibits to the Iovieno Declaration contain such

1 material, and, pursuant to Local Rule 79-5(e), Plaintiffs seek to submit this material under seal in
2 good faith in order to comply with the Stipulated Protective Order and the applicable Local
3 Rules.

4 6. Therefore, Plaintiff respectfully requests an order sealing portions of Plaintiffs'
5 Opposition and Exhibits 1-9 to the Iovieno Declaration.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on this 23rd day of December, 2014 at Albany, New York.

8
9 /s/ Philip J. Iovieno

10 Philip J. Iovieno
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the documents listed below to be served by ECF filing on December 23, 2014 to each of the persons as set forth on the attached service list.

- Direct Action Plaintiffs' Administrative Motion to Seal Their Opposition to Mitsubishi's Motion for Partial Summary Judgment as to Direct Action Purchasers' Sherman Act Claims Based On CRT Product Purchases from NEC Corporation and NEC-Mitsubishi Electric Visual Systems Corporation
- Declaration of Philip J. Iovieno in Support of Direct Action Plaintiffs' Administrative Motion to Seal Their Opposition to Mitsubishi's Motion for Partial Summary Judgment as to Direct Action Purchasers' Sherman Act Claims Based On CRT Product Purchases from NEC Corporation and NEC-Mitsubishi Electric Visual Systems Corporation
- Proposed Order Granting Direct Action Plaintiffs' Administrative Motion to Seal Their Opposition to Mitsubishi's Motion for Partial Summary Judgment as to Direct Action Purchasers' Sherman Act Claims Based On CRT Product Purchases from NEC Corporation and NEC-Mitsubishi Electric Visual Systems Corporation

Dated: December 23, 2014

/s/ Adam Weber

Adam Weber

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